

AMENDED IN SENATE SEPTEMBER 2, 2003

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 16, 2003

AMENDED IN SENATE JUNE 26, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 12, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 300

**Introduced by Committee on Education
(Goldberg (Chair), Plescia (Vice Chair), Cohn, Garcia, Hancock,
Liu, Mullin, Pavley, Reyes, and Wyland)**

February 6, 2003

An act to amend Sections 8206, 8206.1, 8206.6, 8242, 8261, 8263, 8805, 32211, 35160.5, 39831.5, 41344, 42285.2, 44505, 45037, 46201, 46202, 48916, 48918, ~~48980~~, 51224.5, 52055.640, 56343.5, and 60040 of, and to repeal Sections 8206.3, 8206.5, 8206.7, 8206.8, 8207, 17912.1, 45357, 45358, 51132, 51882, 62006, 62007, and 62008 of, the Education Code, to amend Section 19050.8 of the Government Code, ~~and to add Section 97.45 to the Revenue and Taxation Code~~, to amend Section 45 of Chapter 1167 of the Statutes of 2002, *and to amend Section 7 of Chapter 1 of the Statutes of 2003*, relating to education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 300, as amended, Committee on Education. Education.

(1) Existing law authorizes the Department of Education, upon request, to waive its regulations for staffing and group size ratios for programs in which subsidized children comprise a majority of the enrollment.

This bill would instead authorize the Superintendent of Public Instruction, upon request, to waive the requirements for staffing and group size ratios without regard to program enrollment.

(2) Existing law requires families to meet certain requirements to be eligible for subsidized child development services. One of the alternative eligibility requirements is that the parents are incapacitated, including having a medical or psychiatric special need that cannot be met without the provision of child day care.

This bill would delete that requirement ~~and replace it with a requirement that the child is identified as having a medical or psychiatric special need that cannot be met without the provision of child day care.~~

(3) Existing law establishes the Healthy Start Support Services for Children Grant Program, requires participating local educational agencies and consortia to submit annually an evaluation report to the Superintendent of Public Instruction, requires the Superintendent of Public Instruction to cause an evaluation to be conducted by an independent organization of the effectiveness of the grant program, requires that independent evaluation to be submitted by June 1, 1994, to the Governor, the Secretary for Education, the Secretary of the Health and Welfare Agency, and the Legislature, and authorizes independent evaluations to be conducted subject to additional funding being made available for that purpose in subsequent fiscal years.

This bill would delete the provisions regarding the required independent evaluation and subsequent contingently authorized independent evaluations.

(4) Existing law requires certain persons who have entered school grounds during school hours and who have been requested to leave the school grounds to depart and not to return to the school grounds for at least 48 hours. Existing law makes it a misdemeanor to return to the school grounds within 48 hours of a request to leave.

This bill would instead require certain persons who have entered school grounds during school hours and who have been requested to leave the school grounds to depart and not to return to the school



grounds for at least 7 days and would make it a misdemeanor to return to the school grounds within 7 days of a request to leave.

(5) Existing law requires the Superintendent of Public Instruction and Director of Finance to jointly establish a plan for repayment of school funds that a local educational agency received on the basis of average daily attendance that did not comply with statutory or regulatory requirements that were conditions of apportionments.

This bill would, commencing with the 1999–2000 fiscal year, prohibit the manner of reducing the amount disallowed for repayment purposes from resulting in a local educational agency repaying more than the value of the average daily attendance disallowed, plus interest and other penalties or reductions in apportionments as provided by existing law.

(6) Under existing law, the Coachella Valley Unified School District is eligible to receive apportionments for specified schools pursuant to the schedule for necessary small high schools. Existing law requires the Department of Transportation to notify the Legislature and the Secretary of State upon completion of a specified project. After that notification has occurred, the provision authorizing the apportionment for those schools is repealed on the July 1 after the then current fiscal year has elapsed.

This bill would make the apportionments available until that date or until June 30, 2005, whichever is later.

(7) Existing law requires a county office of education to be assessed a penalty if it draws an order for a warrant in favor of a person for a period of service during which the person did not have a valid certification document.

This bill would instead require the assessment of that penalty if the county office of education releases a warrant in the circumstances described above.

(8) Existing law requires the Superintendent of Public Instruction to reduce a district's apportionment, as specified, if the governing board of a school district offers less instructional time than the amount of instructional time fixed for the 1982–83 fiscal year.

This bill would, instead, make the reduction apply only to school districts that do not participate in the program that offers incentives for a longer instructional day and year.

(9) Existing law requires the governing board of a school district to set a date when a pupil who is expelled for certain acts is required to be reviewed for readmission. Existing law requires the date set to be not



later than the last day of the semester following the semester in which the expulsion occurred.

This bill would, for an expulsion ordered during summer session or the intersession period of a year-round program, require the review date to be set not later than the last day of the semester following the summer session or intersession period during which the expulsion was ordered.

(10) Existing law establishes the Teresa P. Hughes Family-School Partnership Award and Grant Program to provide grants and awards to school districts, as specified.

This bill would delete the provision providing grants under this program.

(11) Existing law provides that if, during any of grades 7 to 12, inclusive, or in any combination of those grades, a pupil completes coursework that meets or exceeds the content standards for algebra, then those courses apply toward the high school graduation requirements for mathematics.

This bill would provide that if, during grade 7 or 8, a pupil completes coursework for algebra, that pupil is not exempt from the high school graduation requirements for mathematics.

(12) Existing law requires a school district, special education local plan area, or county office of education to hold a meeting of an individualized education program team within 30 days, not counting days in July and August, when a parent requests a meeting to review an individualized education program.

This bill would instead not count the days between the pupil's regular school sessions, terms, or days of school vacation in excess of 5 schooldays, thereby imposing a state-mandated local program.

(13) Existing law appropriates \$313,908,000 from the General Fund for purposes of the School Improvement Program, with \$54,181,000 for purposes of making allowances for grades 7 to 12, inclusive. From the \$54,181,000, the State Department of Education is required to allocate \$34.72 per unit of average daily attendance (ADA) generated by pupils enrolled in grades 7 and 8 to school districts that received School Improvement Grants in the 1989–90 fiscal year at a rate of \$30 per unit of ADA generated by pupils enrolled in grades 7 and 8.

This bill would change the \$34.72 rate per unit of ADA to \$34.67 and would allocate \$123.18 per unit of ADA generated by pupils enrolled in grades 7 and 8 to school districts that received School Improvement Grants in the 1989–90 fiscal year at a rate of \$106.93 per unit of ADA generated by pupils enrolled in grades 7 and 8.



(14) *Existing law requires funds in the Educational Revenue Augmentation Fund to be allocated to school districts, county offices of education, and community colleges, as specified.*

This bill would, instead, require that amount to be multiplied by 1.85185 with the product of that calculation resulting in the amount of funds allocated to school districts, county offices of education, and community colleges from the Educational Revenue Augmentation Fund.

(15) This bill would make other technical and nonsubstantive changes to the Education Code, repeal obsolete and duplicative provisions, and make changes in provisions governing child care to conform to federal regulations.

~~(15)~~

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement is required by specified provisions of this act for a specified reason.

However, the bill would also provide that, if the Commission on State Mandates determines that the bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(16)~~

(17) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8206 of the Education Code is amended
2 to read:

3 8206. (a) The State Department of Education is hereby
4 designated as the single state agency responsible for the
5 promotion, development, and provision of care of children in the
6 absence of their parents during the workday or while engaged in



1 other activities which require assistance of a third party or parties.
2 The department shall administer the federal Child Care and
3 Development Fund.

4 (b) For purposes of this section, “Child Care and Development
5 Fund” has the same meaning as in Section 98.2 of Title 45 of the
6 Code of Federal Regulations.

7 SEC. 2. Section 8206.1 of the Education Code is amended to
8 read:

9 8206.1. (a) The Superintendent of Public Instruction shall
10 collaborate with the Secretary for Education and the Secretary of
11 Health and Human Services, with the advice and assistance of the
12 Child Development Programs Advisory Committee, in the
13 development of the state plan required pursuant to the federal
14 Child Care and Development Fund, prior to submitting or
15 reporting on that plan to the federal Secretary of Health and
16 Human Services.

17 (b) (1) For purposes of this section, “Child Care and
18 Development Fund” has the same meaning as in Section 98.2 of
19 Title 45 of the Code of Federal Regulations.

20 (2) For the purposes of this section, “collaborate” means to
21 cooperate with and to consult with.

22 SEC. 3. Section 8206.3 of the Education Code is repealed.

23 SEC. 4. Section 8206.5 of the Education Code is repealed.

24 SEC. 5. Section 8206.6 of the Education Code is amended to
25 read:

26 8206.6. It is the intent of the Legislature that federal funds
27 received pursuant to the federal Child Care and Development Fund
28 be allocated according to federal regulations. For purposes of this
29 section, “Child Care and Development Fund” has the same
30 meaning as in Section 98.2 of Title 45 of the Code of Federal
31 Regulations.

32 SEC. 6. Section 8206.7 of the Education Code is repealed.

33 SEC. 7. Section 8206.8 of the Education Code is repealed.

34 SEC. 8. Section 8207 of the Education Code is repealed.

35 SEC. 9. Section 8242 of the Education Code is amended to
36 read:

37 8242. If there are no facilities in the area able to meet the
38 special needs of particular children, the Superintendent of Public
39 Instruction may, upon request, waive the requirements for staffing



1 and group size ratios established *by the regulations promulgated*
2 pursuant to Section 8288.

3 SEC. 10. *Section 8261 of the Education Code is amended to*
4 *read:*

5 8261. (a) The Superintendent of Public Instruction shall
6 adopt rules and regulations pursuant to this chapter. The rules and
7 regulations shall include, but not be limited to, provisions which
8 do all of the following:

9 (1) Provide clear guidelines for the selection of agencies when
10 child development contracts are let, including, but not limited to,
11 specification that any agency headquartered in the proposed
12 service area on January 1, 1985, will be given priority for a new
13 contract in that area, unless the State Department of Education
14 makes a written determination that (A) the agency is not able to
15 deliver the level of services specified in the request for proposal,
16 or (B) the department has notified the agency that it is not in
17 compliance with the terms of its contract.

18 (2) Provide for a contract monitoring system to ensure that
19 agencies expend funds received pursuant to this chapter in
20 accordance with the provisions of their contracts.

21 (3) Specify adequate standards of agency performance.

22 (4) Establish reporting requirements for service reports,
23 including provisions for varying the frequency with which these
24 reports are to be submitted on the basis of agency performance.

25 (5) Specify standards for withholding payments to agencies
26 that fail to submit required fiscal reports.

27 (6) Set forth standards for ~~state~~ department site visits to
28 contracting agencies, including, but not limited to, specification as
29 to the purpose of the visits, the personnel that will perform these
30 visits, and the frequency of these visits which shall be as frequently
31 as staff and budget resources permit. ~~On an annual basis, beginning~~
32 ~~September 1985~~ *By September 1 of each year*, the department shall
33 report to the Senate Education, Senate Health and Human
34 Services, Assembly Education, and Assembly Human Services
35 Committees on the number of visits conducted during the previous
36 fiscal year pursuant to this paragraph.

37 (b) The superintendent shall consult with the State Department
38 of Social Services with respect to rules and regulations adopted
39 relative to the disbursement of federal funds under Title XX of the
40 federal Social Security Act.

1 (c) For purposes of expediting the implementation of state or
2 federal legislation to expand child care services, the
3 superintendent may waive (1) the regulations regarding the point
4 qualifications for, and the process and scoring of, interviews of
5 contract applicants pursuant to Section 18002 of Title 5 of the
6 California Code of Regulations, or (2) the time limitations for
7 scheduling and notification of appeal hearings and their results
8 pursuant to Section 18003 of Title 5 of the California Code of
9 Regulations. The superintendent shall ensure that the appeal
10 hearings provided for in Section 18003 of Title 5 of the California
11 Code of Regulations are conducted in a timely manner.

12 (d) (1) Child care and development programs operated under
13 contract from funds made available pursuant to the federal Child
14 Care and Development Block Grant of 1990, established by the
15 Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) Fund,
16 shall be administered according to Division 19 (commencing with
17 Section 17906) of Chapter 1 of Title 5 of the California Code of
18 Regulations, unless provisions of these regulations conflict with
19 federal regulations. If state and federal regulations conflict, the
20 federal regulations shall apply unless a waiver of federal
21 regulations is authorized.

22 (2) *For purposes of this section, "Child Care and Development*
23 *Fund" has the same meaning as in Section 98.2 of Title 45 of the*
24 *Code of Federal Regulations.*

25 SEC. 11. Section 8263 of the Education Code is amended to
26 read:

27 8263. (a) The Superintendent of Public Instruction shall
28 adopt rules and regulations on eligibility, enrollment, and priority
29 of services needed to implement this chapter. In order to be eligible
30 for federal and state subsidized child development services,
31 families shall meet at least one requirement in each of the
32 following areas:

33 (1) A family is (A) a current aid recipient, (B) income eligible,
34 (C) homeless, or (D) one whose children are recipients of
35 protective services, or whose children have been identified as
36 being abused, neglected, or exploited, or at risk of being abused,
37 neglected, or exploited.

38 (2) A family needs the child care service ~~(A) because~~ *because*
39 *(A) the child is identified by a legal, medical, social service agency,*
40 *or emergency shelter as (i) a recipient of protective services; or (ii)*

1 being neglected, abused, or exploited, or at risk of neglect, abuse,
2 ~~or exploitation, or (iii) having a medical or psychiatric special need~~
3 ~~that cannot be met without provision of child day care or (B) or~~
4 ~~exploitation, or (B)~~ because the parents are (i) engaged in
5 vocational training leading directly to a recognized trade,
6 paraprofession, or profession, (ii) employed or seeking
7 employment, (iii) seeking permanent housing for family stability,
8 or (iv) incapacitated.

9 (b) Except as provided in Article 15.5 (commencing with
10 Section 8350), priority for state and federally subsidized child
11 development services is as follows:

12 (1) First priority shall be given to neglected or abused children
13 who are recipients of child protective services, or recipients who
14 are at risk of being neglected or abused, upon written referral from
15 a legal, medical, or social service agency. If an agency is unable
16 to enroll a child in the first priority category, the agency shall refer
17 the family to local resource and referral services to locate services
18 for the child.

19 (2) Second priority shall be equally given to eligible families,
20 regardless of the number of parents in the home, who are income
21 eligible. Within this priority, families with the lowest gross
22 monthly income in relation to family size, as determined by a
23 schedule adopted by the superintendent, shall be admitted first.
24 When two or more families are in the same priority in relation to
25 income, the family that has *a child with exceptional needs shall be*
26 *admitted first. If there is no family of the same priority with a child*
27 *with special needs, the same priority family that has been on the*
28 *waiting list for the longest time shall be admitted first.* For
29 purposes of determining order of admission, the grants of public
30 assistance recipients shall be counted as income.

31 (3) The superintendent shall set criteria for and may grant
32 specific waivers of the priorities established in this subdivision for
33 agencies that wish to serve specific populations, including
34 children with exceptional needs or children of prisoners. These
35 new waivers may not include proposals to avoid appropriate fee
36 schedules or admit ineligible families, but may include proposals
37 to accept members of special populations in other than strict
38 income order, as long as appropriate fees are paid.

39 (c) Notwithstanding any other law, in order to promote
40 continuity of services, a family enrolled in a state or federally

1 funded child care and development program whose services would
2 otherwise be terminated because the family no longer meets the
3 program income, eligibility, or need criteria may continue to
4 receive child development services in another state or federally
5 funded child care and development program if the contractor is
6 able to transfer the family's enrollment to another program for
7 which the family is eligible prior to the date of termination of
8 services or to exchange the family's existing enrollment with the
9 enrollment of a family in another program, provided that both
10 families satisfy the eligibility requirements for the program in
11 which they are being enrolled. The transfer of enrollment may be
12 to another program within the same administrative agency or to
13 another agency that administers state or federally funded child care
14 and development programs ~~within that county~~.

15 (d) A physical examination and evaluation, including
16 age-appropriate immunization, shall be required prior to, or within
17 six weeks of, enrollment. No standard, rule, or regulation shall
18 require medical examination or immunization for admission to a
19 child care and development program of a child whose parent or
20 guardian files a letter with the governing board of the child care
21 and development program stating that the medical examination or
22 immunization is contrary to his or her religious beliefs, or provide
23 for the exclusion of a child from the program because of a parent
24 or guardian having filed the letter. However, whenever there is
25 good cause to believe that a child is suffering from a recognized
26 contagious or infectious disease, the child shall be temporarily
27 excluded from the program until the governing board of the child
28 care and development program is satisfied that any contagious or
29 infectious disease does not exist.

30 (e) Regulations formulated and promulgated pursuant to this
31 section shall include the recommendations of the State
32 Department of Health Services relative to health care screening
33 and the provision of health care services. The superintendent shall
34 seek the advice and assistance of these health authorities in
35 situations where service under this chapter includes or requires
36 care of ill children or children with exceptional needs.

37 (f) The superintendent shall establish a fee schedule for
38 families utilizing child care and development services pursuant to
39 this chapter. The income of a recipient of federal supplemental
40 security income benefits pursuant to Title XVI of the federal

1 Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state
2 supplemental program benefits pursuant to Title XVI of the federal
3 Social Security Act and Chapter 3 (commencing with Section
4 12000) of Part 3 of Division 9 of the Welfare and Institutions Code
5 may not be included as income for the purposes of determining the
6 amount of the family fee. The fee schedule shall include, but not
7 be limited to, the following restrictions:

8 (1) No fees shall be assessed for families whose children are
9 enrolled in the state preschool program.

10 (2) A contractor or provider may require parents to provide
11 diapers. A contractor or provider offering field trips either may
12 include the cost of the field trips within the service rate charged to
13 the parent or may charge parents an additional fee. Federal or state
14 money may not be used to reimburse parents for the costs of field
15 trips if those costs are charged as an additional fee. A contractor
16 or provider that charges parents an additional fee for field trips
17 shall inform parents, prior to enrolling the child, that a fee may be
18 charged and that no reimbursement will be available. A contractor
19 or provider may charge parents for field trips or require parents to
20 provide diapers only under the following circumstances:

21 (A) The provider has a written policy that is adopted by the
22 agency's governing board that includes parents in the
23 decisionmaking process regarding both of the following:

24 (i) Whether or not, and how much, to charge for field trip
25 expenses.

26 (ii) Whether or not to require parents to provide diapers.

27 (B) The maximum total of charges per child in a contract year
28 does not exceed twenty-five dollars (\$25).

29 (C) No child is denied participation in a field trip due to the
30 parent's inability or refusal to pay the charge. Adverse action may
31 not be taken against any parent for that inability or refusal.

32 Each contractor or provider shall establish a payment system
33 that prevents the identification of children based on whether or not
34 their parents have paid a field trip charge.

35 Expenses incurred and income received for field trips pursuant
36 to this section shall be reported to the State Department of
37 Education. The income received for field trips shall be reported
38 specifically as restricted income.

39 (g) The superintendent shall establish guidelines for the
40 collection of employer-sponsored child care benefit payments

1 from any parent whose child receives subsidized child care and
2 development services. These guidelines shall provide for the
3 collection of the full amount of the benefit payment, but not to
4 exceed the actual cost of child care and development services
5 provided, notwithstanding the applicable fee based on the fee
6 schedule.

7 (h) The superintendent shall establish guidelines according to
8 which the director or a duly authorized representative of the child
9 care and development program will certify children as eligible for
10 state reimbursement pursuant to this section.

11 (i) Public funds may not be paid directly or indirectly to any
12 agency that does not pay at least the minimum wage to each of its
13 employees.

14 ~~SEC. 11.~~

15 *SEC. 12.* Section 8805 of the Education Code is amended to
16 read:

17 8805. The Legislature finds that an evaluation of plan
18 effectiveness is both desirable and necessary, and accordingly
19 requires the following:

20 (a) No later than January 1 of the year following a full year of
21 operation, each local educational agency or consortium that
22 receives an operational grant under this chapter shall submit a
23 report to the superintendent that includes:

24 (1) An assessment of the effectiveness of that local educational
25 agency or consortium in achieving stated goals in the planning
26 and/or operational phase.

27 (2) Problems encountered in the design and operation of the
28 Healthy Start Support Services for Children Grant Program plan,
29 including identification of any federal, state, or local statute or
30 regulation that will impede program implementation.

31 (3) Recommendations for ways to improve delivery of support
32 services to pupils.

33 (4) The number of pupils who will receive support services
34 who previously have not been served.

35 (5) The potential impact of the program on the local
36 educational agency or the consortium, including any anticipated
37 increase in school retention and achievement rates of pupils who
38 receive support services.

39 (6) An accounting of anticipated local budget savings, if any,
40 resulting from the implementation of the program.

(7) Client and practitioner satisfaction.

(8) The ability, or anticipated ability, to continue to provide services in the absence of future funding under this chapter, by allocating resources in ways that are different from existing methods.

(9) Increased access to services for pupils and their families.

(10) The degree of increased collaboration among participating agencies and private partners.

(11) If the local educational agency or consortium received certification as a Medi-Cal provider, the extent to which the certification improved access to needed services.

(b) Additional annual evaluations may be required as designated by the superintendent.

~~SEC. 12.~~

SEC. 13. Section 17912.1 of the Education Code is repealed.

~~SEC. 13.~~

SEC. 14. Section 32211 of the Education Code is amended to read:

32211. (a) Any person who is not a pupil of the public school, a parent or guardian of a pupil of the public school, or an officer or employee of the school district maintaining the public school, or who is not required by his or her employment to be in a public school building or on the grounds of the public school, and who has entered any public school building or the grounds of any public school, during school hours, and who is requested either by the principal of the public school or by the designee of the principal to leave a public school building or public school grounds, shall promptly depart therefrom and shall not return thereto for at least seven days. A request that a person depart from a public school building or public school grounds shall be made by the principal, or the designee of the principal, exclusively on the basis that it appears reasonable to the principal, or the designee of the principal to conclude that the continued presence of the person requested to depart would be disruptive of, or would interfere with, classes or other activities of the public school program.

(b) Any person who fails to leave a public school building or public school grounds promptly upon request of the principal of the public school or the designee of the principal made pursuant to subdivision (a) or who, after leaving a public school building or public school grounds pursuant to a request of the principal of the

1 public school, or the designee of the principal, made pursuant to
2 subdivision (a), returns thereto, except pursuant to subdivision (d),
3 within seven days, is guilty of a misdemeanor and shall be
4 punished pursuant to Section 626.8 of the Penal Code.

5 (c) Any person who is requested pursuant to subdivision (a) to
6 leave a public school building or school grounds may appeal to the
7 superintendent of the school district in which the public school is
8 located. ~~Such an~~ That appeal shall be made not later than the
9 second succeeding schoolday after the person has departed from
10 the public school building or public school grounds. The
11 superintendent shall, after reviewing the matter with the principal,
12 or the designee of the principal, and the person seeking ingress to
13 the public school during school hours, render his or her decision
14 within 24 hours after the appeal is made, and the decision shall be
15 binding upon both parties. A decision of the superintendent may
16 be appealed by the person seeking ingress to the public school
17 during public school hours to the governing board of the school
18 district in which the public school is located. That appeal shall be
19 made not later than the second succeeding schoolday after the
20 superintendent has rendered his or her decision. The governing
21 board of the school district shall consider and decide the appeal at
22 its next scheduled regular or adjourned regular public meeting, and
23 the decision of the governing board shall be final.

24 (d) Where the office of the superintendent of the school district
25 or the office of the governing board of the school district is situated
26 in the public school building or on the grounds of the public school
27 from which a person has been requested, pursuant to subdivision
28 (a), to depart, the person may enter the public school building or
29 the grounds of the public school solely for the purpose of, and only
30 to the extent necessary for, personally making, at the office of the
31 superintendent or the office of the governing board, an appeal
32 pursuant to subdivision (c).

33 (e) The governing board of every school district shall cause to
34 have posted at every entrance to each school and grounds of the
35 district a notice which shall set forth "school hours," which are
36 hereby defined for the purposes of this section as the period
37 commencing one hour before classes begin and one hour after
38 classes end at any school, or as otherwise defined by the governing
39 board of the school district.



(f) For the purposes of subdivision (a), a representative of a school employee organization engaged in activities related to representation, as defined by Section 7104, shall be deemed to be a person required by his or her employment to be in a school building or on the grounds of a school.

(g) Nothing in this section shall be construed as preempting any ordinance of any city, county, or city and county.

~~SEC. 14.~~

SEC. 15. Section 35160.5 of the Education Code is amended to read:

35160.5. (a) The governing board of each school district that maintains one or more schools containing any of grades 7 to 12, inclusive, shall, as a condition for the receipt of an inflation adjustment pursuant to Section 42238.1, establish a school district policy regarding participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive. The criteria, which shall be applied to extracurricular and cocurricular activities, shall ensure that pupil participation is conditioned upon satisfactory educational progress in the previous grading period.

(1) For purposes of this subdivision, “extracurricular activity” means a program that has all of the following characteristics:

(A) The program is supervised or financed by the school district.

(B) Pupils participating in the program represent the school district.

(C) Pupils exercise some degree of freedom in either the selection, planning, or control of the program.

(D) The program includes both preparation for performance and performance before an audience or spectators.

(2) For purposes of this subdivision, an “extracurricular activity” is not part of the regular school curriculum, is not graded, does not offer credit, and does not take place during classroom time.

(3) For purposes of this subdivision, a “cocurricular activity” is defined as a program that may be associated with the curriculum in a regular classroom.

(4) Any teacher graded or required program or activity for a course that satisfies the entrance requirements for admission to the California State University or the University of California is not

1 an extracurricular or cocurricular activity as defined by this
2 section.

3 (5) For purposes of this subdivision, “satisfactory educational
4 progress” shall include, but not be limited to, the following:

5 (A) Maintenance of minimum passing grades, which is defined
6 as at least a 2.0 grade point average in all enrolled courses on a 4.0
7 scale.

8 (B) Maintenance of minimum progress toward meeting the
9 high school graduation requirements prescribed by the governing
10 board.

11 (6) For purposes of this subdivision, “previous grading
12 period” does not include any grading period in which the pupil
13 was not in attendance for all, or a majority of, the grading period
14 due to absences excused by the school for reasons such as serious
15 illness or injury, approved travel, or work. In that event, “previous
16 grading period” is deemed to mean the grading period
17 immediately prior to the grading period or periods excluded
18 pursuant to this paragraph.

19 (7) A program that has, as its primary goal, the improvement
20 of academic or educational achievements of pupils is not an
21 extracurricular or cocurricular activity as defined by this section.

22 (8) The governing board of each school district may adopt, as
23 part of its policy established pursuant to this subdivision,
24 provisions that would allow a pupil who does not achieve
25 satisfactory educational progress, as defined in paragraph (4), in
26 the previous grading period to remain eligible to participate in
27 extracurricular and cocurricular activities during a probationary
28 period. The probationary period shall not exceed one semester in
29 length, but may be for a shorter period of time, as determined by
30 the governing board of the school district. A pupil who does not
31 achieve satisfactory educational progress, as defined in paragraph
32 (4), during the probationary period shall not be allowed to
33 participate in extracurricular and cocurricular activities in the
34 subsequent grading period.

35 (9) Nothing in this subdivision shall preclude the governing
36 board of a school district from imposing a more stringent academic
37 standard than that imposed by this subdivision. If the governing
38 board of a school district imposes a more stringent academic
39 standard, the governing board shall establish the criteria for

1 participation in extracurricular and cocurricular activities at a
2 meeting open to the public pursuant to Section 35145.

3 The governing board of each school district shall annually
4 review the school district policies adopted pursuant to the
5 requirements of this section.

6 (b) (1) On or before July 1, 1994, the governing board of each
7 school district shall, as a condition for the receipt of school
8 apportionments from the state school fund, adopt rules and
9 regulations establishing a policy of open enrollment within the
10 district for residents of the district. This requirement does not
11 apply to any school district that has only one school or any school
12 district with schools that do not serve any of the same grade levels.

13 (2) The policy shall include all of the following elements:

14 (A) It shall provide that the parent or guardian of each
15 schoolage child who is a resident in the district may select the
16 schools the child shall attend, irrespective of the particular
17 locations of his or her residence within the district, except that
18 school districts shall retain the authority to maintain appropriate
19 racial and ethnic balances among their respective schools at the
20 school districts' discretion or as specified in applicable
21 court-ordered or voluntary desegregation plans.

22 (B) It shall include a selection policy for any school that
23 receives requests for admission in excess of the capacity of the
24 school that ensures that selection of pupils to enroll in the school
25 is made through a random, unbiased process that prohibits an
26 evaluation of whether any pupil should be enrolled based upon his
27 or her academic or athletic performance. For purposes of this
28 subdivision, the governing board of the school district shall
29 determine the capacity of the schools in its district. However,
30 school districts may employ existing entrance criteria for
31 specialized schools or programs if the criteria are uniformly
32 applied to all applicants. This subdivision shall not be construed
33 to prohibit school districts from using academic performance to
34 determine eligibility for, or placement in, programs for gifted and
35 talented pupils established pursuant to Chapter 8 (commencing
36 with Section 52200) of Part 28.

37 (C) It shall provide that no pupil who currently resides in the
38 attendance area of a school shall be displaced by pupils
39 transferring from outside the attendance area.

(3) Notwithstanding the requirement of subparagraph (B) of paragraph (2) that the policy include a selection policy for any school that receives requests for admission in excess of the capacity of the school that ensures that the selection is made through a random, unbiased process, the policy may include any of the following elements:

(A) It may provide that special circumstances exist that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including, but not limited to, threats of bodily harm or threats to the emotional stability of the pupil, that serve as a basis for granting a priority of attendance outside the current attendance area of the pupil. A finding of harmful or dangerous special circumstances shall be based upon either of the following:

(i) A written statement from a representative of the appropriate state or local agency, including, but not limited to, a law enforcement official or a social worker, or properly licensed or registered professionals, including, but not limited to, psychiatrists, psychologists, or marriage and family therapists.

(ii) A court order, including a temporary restraining order and injunction, issued by a judge.

A finding of harmful or dangerous special circumstances pursuant to this subparagraph may be used by a school district to approve transfers within the district to schools that have been deemed by the school district to be at capacity and otherwise closed to transfers that are not based on harmful or dangerous special circumstances.

(B) It may provide that any pupil attending a school prior to July 1, 1994, may be considered a current resident of that school for purposes of this section until the pupil is promoted or graduates from that school.

(C) It may provide that no pupil who was on a waiting list for a school or specialized program, on or before July 1, 1994, pursuant to a then-existing district policy on transfers within the district, shall be displaced by pupils transferring after July 1, 1994, from outside the attendance area, as long as the continued maintenance on a waiting list remains consistent with the former policy.

(D) It may provide that schools receiving requests for admission shall give priority for attendance to siblings of pupils

1 already in attendance in that school and to pupils whose parent or
2 legal guardian is assigned to that school as his or her primary place
3 of employment.

4 (E) It may include a process by which the school district
5 informs parents or guardians that certain schools or grade levels
6 within a school are currently, or are likely to be, at capacity and,
7 therefore, those schools or grade levels are unable to accommodate
8 any new pupils under the open enrollment policy.

9 (4) It is the intent of the Legislature that, upon the request of the
10 pupil's parent or guardian and demonstration of financial need,
11 each school district provide transportation assistance to the pupil
12 to the extent that the district otherwise provides transportation
13 assistance to pupils.

14 ~~SEC. 15.~~

15 *SEC. 16.* Section 39831.5 of the Education Code is amended
16 to read:

17 39831.5. (a) All pupils in prekindergarten, kindergarten, and
18 grades 1 to 12, inclusive, in public or private school who are
19 transported in a schoolbus or school pupil activity bus shall receive
20 instruction in schoolbus emergency procedures and passenger
21 safety. The county superintendent of schools, superintendent of
22 the school district, or owner/operator of a private school, as
23 applicable, shall ensure that the instruction is provided as follows:

24 (1) Upon registration, the parents or guardians of all pupils not
25 previously transported in a schoolbus or school pupil activity bus
26 and who are in prekindergarten, kindergarten, and grades 1 to 6,
27 inclusive, shall be provided with written information on schoolbus
28 safety. The information shall include, but not be limited to, all of
29 the following:

30 (A) A list of schoolbus stops near each pupil's home.

31 (B) General rules of conduct at schoolbus loading zones.

32 (C) Red light crossing instructions.

33 (D) Schoolbus danger zone.

34 (E) Walking to and from schoolbus stops.

35 (2) At least once in each school year, all pupils in
36 prekindergarten, kindergarten, and grades 1 to 8, inclusive, who
37 receive home-to-school transportation shall receive safety
38 instruction that includes, but is not limited to, proper loading and
39 unloading procedures, including escorting by the driver, how to
40 safely cross the street, highway, or private road, instruction on the

1 use of passenger restraint systems, as described in paragraph (3),
2 proper passenger conduct, bus evacuation, and location of
3 emergency equipment. Instruction also may include
4 responsibilities of passengers seated next to an emergency exit. As
5 part of the instruction, pupils shall evacuate the schoolbus through
6 emergency exit doors.

7 (3) Instruction on the use of passenger restraint systems, when
8 a passenger restraint system is installed, shall include, but not be
9 limited to, all of the following:

10 (A) Proper fastening and release of the passenger restraint
11 system.

12 (B) Acceptable placement of passenger restraint systems on
13 pupils.

14 (C) Times at which the passenger restraint systems should be
15 fastened and released.

16 (D) Acceptable placement of the passenger restraint systems
17 when not in use.

18 (4) Prior to departure on a school activity trip, all pupils riding
19 on a schoolbus or school pupil activity bus shall receive safety
20 instruction that includes, but is not limited to, location of
21 emergency exits, and location and use of emergency equipment.
22 Instruction also may include responsibilities of passengers seated
23 next to an emergency exit.

24 (b) The following information shall be documented each time
25 the instruction required by paragraph (2) of subdivision (a) is
26 given:

27 (1) Name of school district, county office of education, or
28 private school.

29 (2) Name and location of school.

30 (3) Date of instruction.

31 (4) Names of supervising adults.

32 (5) Number of pupils participating.

33 (6) Grade levels of pupils.

34 (7) Subjects covered in instruction.

35 (8) Amount of time taken for instruction.

36 (9) Busdriver's name.

37 (10) Bus number.

38 (11) Additional remarks.

39 The information recorded pursuant to this subdivision shall
40 remain on file at the district or county office, or at the school, for

1 one year from the date of the instruction, and shall be subject to
2 inspection by the Department of the California Highway Patrol.

3 ~~SEC. 16.~~

4 *SEC. 17.* Section 41344 of the Education Code is amended to
5 read:

6 41344. (a) If, as the result of an audit or review, a local
7 educational agency is required to repay an apportionment
8 significant audit exception, the Superintendent of Public
9 Instruction and the Director of Finance, or their designees, shall
10 jointly establish a plan for repayment of state school funds that the
11 local educational agency received on the basis of average daily
12 attendance, or other data, that did not comply with statutory or
13 regulatory requirements that were conditions of the
14 apportionments. A local educational agency shall request a
15 repayment plan within 90 days of receiving the final audit report
16 or review, within 30 days of receiving a final determination
17 regarding an appeal pursuant to subdivision (d), or, in the absence
18 of an appeal pursuant to subdivision (d), within 30 days of
19 receiving a determination of a summary review pursuant to
20 subdivision (d) of Section 41344.1. At the time the local
21 educational agency is notified, the Controller shall also be notified
22 of the repayment plan. The repayment plan shall be established in
23 accordance with the following:

24 (1) The Controller shall withhold the disallowed amount at the
25 next principal apportionment or pursuant to paragraph (2), unless
26 subdivision (d) of this section or subdivision (d) of Section
27 41344.1 applies, in which case the disallowed amount shall be
28 withheld, at the next principal apportionment or pursuant to
29 paragraph (2) following the determination regarding the appeal or
30 summary appeal. In calculating the disallowed amount, the
31 Controller shall determine the total amount of overpayment
32 received by the local educational agency on the basis of average
33 daily attendance, or other data, reported by the local educational
34 agency that did not comply with one or more statutory or
35 regulatory requirements that are conditions of apportionment.

36 (2) If the Superintendent of Public Instruction and the Director
37 of the Department of Finance concur that repayment of the full
38 liability in the current fiscal year would constitute a severe
39 financial hardship for the local agency, they may approve a
40 repayment plan of equal annual payments over a period of up to

1 eight years. The repayment plan shall include interest on each
2 year's outstanding balance at the rate earned on the state's Pooled
3 Money Investment Account during that year. The Superintendent
4 of Public Instruction and the Director of the Department of
5 Finance shall jointly establish this repayment plan. The Controller
6 shall withhold amounts pursuant to the repayment plan.

7 (3) If the Superintendent of Public Instruction and the Director
8 of the Department of Finance do not jointly establish a repayment
9 plan, the State Controller shall withhold the entire disallowed
10 amount determined pursuant to paragraph (1) at the next principal
11 apportionment.

12 (b) (1) For purposes of computing average daily attendance
13 pursuant to Section 42238.5, a local educational agency's prior
14 fiscal year average daily attendance shall be reduced by an amount
15 equal to any average daily attendance disallowed in the current
16 year, by an audit or review, as defined in subdivision (e).

17 (2) Commencing with the 1999–2000 fiscal year, this
18 subdivision may not result in a local educational agency repaying
19 more than the value of the average daily attendance disallowed in
20 the audit exception plus interest and other penalties or reductions
21 in apportionments as provided by existing law.

22 (c) Notwithstanding any other provision of law, this section
23 may not be waived under any authority set forth in this code except
24 as provided in this section or Section 41344.1.

25 (d) Within 60 days of the date on which a local educational
26 agency receives a final audit report resulting from an audit or
27 review or within 30 days of receiving a determination of a
28 summary review pursuant to subdivision (d) of Section 41344.1,
29 a local educational agency may appeal a finding contained in the
30 final report, pursuant to Section 41344.1. Within 90 days of the
31 date on which the appeal is received by the panel, a hearing shall
32 be held at which the local educational agency may present
33 evidence or arguments if the local educational agency believes that
34 the final report contains any finding that was based on errors of fact
35 or interpretation of law. A repayment schedule may not commence
36 until the panel reaches a determination regarding the appeal. If the
37 panel determines that the local educational agency is correct in its
38 assertion, in whole or in part, the allowable portion of any
39 apportionment payment that was withheld shall be paid at the next
40 principal apportionment.

(e) As used in this section, “audit or review” means an audit conducted by the Controller’s office, an annual audit conducted by a certified public accountant or a public accounting firm pursuant to Section 41020, and an audit or review conducted by a governmental agency that provided the local educational agency with an opportunity to provide a written response.

~~SEC. 17.~~

SEC. 18. Section 42285.2 of the Education Code is amended to read:

42285.2. (a) Notwithstanding any other provision of law, the Coachella Valley Unified School District is eligible to receive apportionments for the Sea View Elementary School and for the West Shores High School pursuant to the schedule for necessary small high schools set forth in Section 42284.

(b) If the amount of average daily attendance of either school exceeds ~~300~~ 286, then that school shall no longer be entitled to receive apportionments as set forth in this section.

(c) Notwithstanding any other provision of the law, the Department of Transportation shall notify the Legislature and the Secretary of State upon completion of California Department of Transportation Project Number 11-RIV-86, P.M. R22.0, 179800. After notification to the Legislature and the Secretary of State has occurred, this section shall remain in effect only until the July 1 after the then current fiscal year has elapsed or June 30, 2005, whichever is later, and as of the later of those dates this section is repealed.

~~SEC. 18.~~

SEC. 19. Section 44505 of the Education Code is amended to read:

44505. (a) Between July 1, 1999, and June 30, 2000, a school district may notify the Superintendent of Public Instruction that it plans to implement, commencing July 1, 2000, a Peer Assistance and Review Program for Teachers pursuant to this article. Upon receipt of the notification by the school district, the Superintendent of Public Instruction shall apportion to the school district two thousand eight hundred dollars (\$2,800) or an amount equal to the number of mentor teachers that the state calculated the school district is entitled to in the 1999–2000 fiscal year pursuant to Article 4 (commencing with Section 44490) multiplied by two thousand eight hundred dollars (\$2,800), whichever is greater.

1 (b) A school district that notifies the Superintendent of Public
2 Instruction that it plans to implement a Peer Assistance and
3 Review Program for Teachers by July 1, 2000, pursuant to
4 subdivision (a), shall certify to the Superintendent of Public
5 Instruction that it has implemented a program by August 1, 2000.
6 In addition to the certification, the Superintendent of Public
7 Instruction may request a copy of the signature page of the
8 collective bargaining agreement implementing the program
9 required pursuant to subdivision (a) of Section 44503. A school
10 district that fails to provide the required certification is not eligible
11 to receive an apportionment for the Peer Assistance and Review
12 Program for Teachers pursuant to subdivision (a) of this section or
13 subdivision (a) of Section 44498 in the 2000–01 school year, or in
14 any year thereafter. The school district, however, may be eligible
15 to receive an apportionment for the Peer Assistance and Review
16 Program for Teachers pursuant to subdivision (c) of this section
17 and subdivision (a) of Section 44498 in the 2000–01 school year,
18 and in each year thereafter, if the school district complies with the
19 requirements set forth in subdivisions (c) and (d).

20 (c) Between July 1, 2000, and May 31, 2001, a school district
21 may notify the Superintendent of Public Instruction that it plans to
22 implement, commencing July 1, 2001, a Peer Assistance and
23 Review Program for Teachers pursuant to this article. On or before
24 June 29, 2001, the Superintendent of Public Instruction shall
25 apportion to every school district that provides this notification an
26 amount equal to the number of mentor teachers that the state
27 calculated the school district is entitled to in the 1999–2000 school
28 year pursuant to Article 4 (commencing with Section 44490) times
29 a maximum of one thousand dollars (\$1,000). Any school district
30 that provides this notification shall receive at least the amount that
31 would be received pursuant to this section by a school district with
32 one state funded mentor in the 2000–01 school year pursuant to
33 Article 4 (commencing with Section 44490).

34 (d) A school district that notifies the Superintendent of Public
35 Instruction that it plans to implement a Peer Assistance and
36 Review Program for Teachers by July 1, 2001, pursuant to
37 subdivision (c), shall certify to the Superintendent of Public
38 Instruction that it has implemented a program by July 1, 2001. In
39 addition to the certification, the Superintendent of Public
40 Instruction may request a copy of the signature page of the



collective bargaining agreement implementing the program required pursuant to subdivision (a) of Section 44503. A school district that fails to provide the required certification is not eligible for any apportionment for the Peer Assistance and Review Program for Teachers received pursuant to subdivision (c) of this section, and subdivision (a) of Section 44498 in the 2001–02 school year, or in any year thereafter.

(e) The funding provided pursuant to subdivisions (a) and (c) of this section and subdivision (a) of Section 44498 shall be provided to eligible school districts in each year that the school operates a Peer Assistance and Review Program for Teachers.

(f) The maximum amount of funds available for apportionment to school districts by the Superintendent of Public Instruction for allocation pursuant to subdivision (c) shall be the amount appropriated pursuant to subdivision (a) of Section 6 of the act adding this section, minus any funds apportioned by the Superintendent of Public Instruction to school districts pursuant to subdivision (a) as of June 30, 2000.

(g) A school district may use funds apportioned pursuant to this section for activities necessary to implement the Peer Assistance and Review Program for Teachers.

~~SEC. 19.~~

SEC. 20. Section 45037 of the Education Code is amended to read:

45037. (a) Except as provided in Section 45036, for the fiscal year 2001–02 and for any fiscal year thereafter in which a person renders service as a teacher in kindergarten or any of grades 1 to 12, inclusive, who does not have a valid certification document, the school district or county office of education in which the person is employed shall be assessed a penalty that shall be in lieu of any loss of funding that would otherwise result under Chapter 6.10 (commencing with Section 52120) of Part 28. The penalty shall be calculated as provided in subdivision (b) and withheld from state funding otherwise due to the district or county office of education.

(1) Notwithstanding Section 46300, the attendance of the noncertificated person’s pupils during the period of service shall be included in the computation of average daily attendance.

(2) The noncertificated person’s period of service shall not be excluded from the determination of eligibility for incentive

1 funding for a longer instructional day or year, or both, pursuant to
2 Article 8 (commencing with Section 46200) of Chapter 2 of Part
3 26.

4 (b) (1) For each person who rendered service in the
5 employment of the district or county office of education as a
6 teacher in kindergarten or any of grades 1 to 12, inclusive, during
7 the fiscal year, add the total number of schooldays on which the
8 person rendered any amount of the service.

9 (2) For each person who rendered service in the employment
10 of the district or county office of education as a teacher in
11 kindergarten or any of grades 1 to 12, inclusive, during the fiscal
12 year, for a period of service during which the person did not have
13 a valid certification document, add the number of schooldays on
14 which the person rendered any amount of the service without a
15 valid certification document.

16 (3) Divide the number determined in paragraph (2) by the
17 number determined in paragraph (1) and carry the result to four
18 decimal places.

19 (4) Multiply a school district's revenue limit entitlement for the
20 fiscal year, calculated pursuant to Section 42238, or its funding
21 amount calculated pursuant to Article 4 (commencing with
22 Section 42280) of Chapter 7 of Part 24, as applicable, or a county
23 office of education's funding for the fiscal year, for the program
24 in which the noncertificated person rendered service by the
25 number determined in paragraph (3).

26 (c) Beginning in 2002–03, if a county office of education
27 releases a warrant in favor of a person for whom a period of school
28 district service is included in the calculation set forth in paragraph
29 (2) of subdivision (b), the county office shall be assessed a penalty.
30 The penalty assessed to a county office for any fiscal year in which
31 one or more district teachers did not have a valid certification
32 document shall be equal to the lesser of three amounts as follows:

33 (1) Fifty percent of all penalties assessed for that fiscal year to
34 all school districts in the county office's jurisdiction pursuant to
35 subdivision (b).

36 (2) One-half percent of the total expenditures for that fiscal
37 year from unrestricted resources, as defined in the California
38 School Accounting Manual, in the county office's county school
39 service fund, when two or fewer districts in the county office's
40 jurisdiction are subject to penalties pursuant to subdivision (b).

(3) One percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when three or more districts in the county office's jurisdiction are subject to penalties pursuant to subdivision (b).

(d) Nothing in this section may be waived in whole or in any part.

~~SEC. 20.~~

SEC. 21. Section 45357 of the Education Code is repealed.

~~SEC. 21.~~

SEC. 22. Section 45358 of the Education Code is repealed.

~~SEC. 22.~~

SEC. 23. Section 46201 of the Education Code is amended to read:

46201. (a) In each of the 1984–85, 1985–86, and 1986–87 fiscal years, for each school district that certifies to the Superintendent of Public Instruction that it offers at least the amount of instructional time specified in this subdivision at a grade level or levels, the Superintendent of Public Instruction shall determine an amount equal to twenty dollars (\$20) per unit of current year second principal apportionment regular average daily attendance in kindergarten and grades 1 to 8, inclusive, and forty dollars (\$40) per unit of current year second principal apportionment regular average daily attendance in grades 9 to 12, inclusive. This section shall not apply to adult average daily attendance, the average daily attendance for pupils attending summer schools, alternative schools, regional occupational centers and programs, continuation high schools, or opportunity schools, and the attendance of pupils while participating in community college or independent study programs.

(1) In the 1984–85 fiscal year, for kindergarten and each of grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B):

(A) The number of instructional minutes offered at that grade level in the 1982–83 fiscal year.

(B) One-third of the difference between the number of minutes specified for that grade level in paragraph (3) and the number of instructional minutes offered at that grade level in the 1982–83 fiscal year.

(2) In the 1985–86 fiscal year, for kindergarten and each of grades 1 to 12, inclusive, the sum of subparagraphs (A) and (B):

1 (A) The number of instructional minutes offered at that grade
2 level in the 1982–83 fiscal year.

3 (B) Two-thirds of the difference between the number of
4 minutes specified for that grade level in paragraph (3) and the
5 number of instructional minutes offered at that grade level in the
6 1982–83 fiscal year.

7 (3) In the 1986–87 fiscal year:

8 (A) Thirty-six thousand minutes in kindergarten.

9 (B) Fifty thousand four hundred minutes in grades 1 to 3,
10 inclusive.

11 (C) Fifty-four thousand minutes in grades 4 to 8, inclusive.

12 (D) Sixty-four thousand eight hundred minutes in grades 9 to
13 12, inclusive.

14 (4) In any fiscal year, each school district that receives an
15 apportionment pursuant to subdivision (a) for average daily
16 attendance in grades 9 to 12, inclusive, shall offer a program of
17 instruction that allows each student to receive at least 24 course
18 years of instruction, or the equivalent, during grades 9 to 12,
19 inclusive.

20 (5) For any schoolsite at which programs are operated in more
21 than one of the grade levels enumerated in subparagraph (B) or (C)
22 of paragraph (3), the school district may calculate a weighted
23 average of minutes for those grade levels at that schoolsite for
24 purposes of making the certification authorized by this
25 subdivision.

26 (b) (1) If any of the amounts of instructional time specified in
27 paragraph (3) of subdivision (a) is a lesser number of minutes for
28 that grade level than actually provided by the district in the same
29 grade in the 1982–83 fiscal year, the 1982–83 fiscal year number
30 of minutes for that grade level, adjusted to comply with Section
31 46111, shall instead be the requirement for the purposes of
32 paragraphs (1), (2), and (3) of subdivision (a). Commencing with
33 the 1990–91 fiscal year, and each fiscal year through the 1995–96
34 fiscal year, any school district subject to this subdivision that does
35 not maintain the number of instructional minutes for a particular
36 grade level that the school district maintained for the 1982–83
37 fiscal year, adjusted to comply with Section 46111, shall not be
38 subject to paragraphs (1) to (3), inclusive, of subdivision (c) if that
39 school district maintains at least the minimum number of
40 instructional minutes for each grade level set forth in paragraph (3)

1 of subdivision (a) in the 1990–91 fiscal year and each fiscal year
2 through the 1994–95 fiscal year or the 1995–96 fiscal year for
3 districts whose instructional minutes were adjusted to comply with
4 Section 46111, and thereafter returns to the number of
5 instructional minutes maintained for each grade level in the
6 1982–83 fiscal year.

7 (2) The Legislature finds and declares that the school districts
8 to which paragraph (1) is applicable have not offered any less
9 instructional time than is required of all other school districts and
10 therefore should not be forced to pay any penalty.

11 (c) (1) For any school district that receives an apportionment
12 pursuant to subdivision (a) in the 1984–85 fiscal year and that
13 reduces the amount of instructional time offered below the
14 minimum amounts specified in paragraph (1) of subdivision (a) in
15 the 1985–86 fiscal year or any fiscal year thereafter, up to and
16 including the 2000–01 fiscal year, the Superintendent of Public
17 Instruction shall reduce the base revenue limit per unit of average
18 daily attendance for the fiscal year in which the reduction occurs
19 by an amount attributable to the increase in the 1985–86 fiscal year
20 base revenue limit per unit of average daily attendance pursuant to
21 paragraph (4) of subdivision (b) of Section 42238, as adjusted in
22 the 1985–86 fiscal year and fiscal years thereafter.

23 (2) For each school district that receives an apportionment
24 pursuant to subdivision (a) in the 1985–86 fiscal year and that
25 reduces the amount of instructional time offered below the
26 minimum amounts specified in paragraph (2) of subdivision (a) in
27 the 1986–87 fiscal year or any fiscal year thereafter, up to and
28 including the 2000–01 fiscal year, the Superintendent of Public
29 Instruction shall reduce the base revenue limit per unit of average
30 daily attendance for the fiscal year in which the reduction occurs
31 by an amount attributable to the increase in the 1986–87 fiscal year
32 base revenue limit per unit of average daily attendance pursuant to
33 paragraph (4) of subdivision (b) of Section 42238, as adjusted in
34 the 1986–87 fiscal year and fiscal years thereafter.

35 (3) For each school district that receives an apportionment
36 pursuant to subdivision (a) in the 1986–87 fiscal year and that
37 reduces the amount of instructional time offered below the
38 minimum amounts specified in paragraph (3) of subdivision (a) in
39 the 1987–88 fiscal year or any fiscal year thereafter, up to and
40 including the 2000–01 fiscal year, the Superintendent of Public

1 Instruction shall reduce the base revenue limit per unit of average
2 daily attendance for the fiscal year in which the reduction occurs
3 by an amount attributable to the increase in the 1987–88 fiscal year
4 base revenue limit per unit of average daily attendance pursuant to
5 paragraph (4) of subdivision (b) of Section 42238, as adjusted in
6 the 1987–88 fiscal year and fiscal years thereafter.

7 (d) For each school district that receives an apportionment
8 pursuant to subdivision (a) in the 1986–87 fiscal year and that
9 reduces the amount of instructional time offered below the
10 minimum amounts specified in either paragraph (3) of subdivision
11 (a) or paragraph (1) of subdivision (b), whichever is applicable, in
12 the 2001–02 fiscal year, or any fiscal year thereafter, the
13 Superintendent of Public Instruction shall withhold from the
14 district’s revenue limit apportionment for the average daily
15 attendance of each affected grade level, the sum of that
16 apportionment multiplied by the percentage of the minimum
17 offered minutes at that grade level that the district failed to offer.

18 ~~SEC. 23.~~

19 *SEC. 24.* Section 46202 of the Education Code is amended to
20 read:

21 46202. (a) Except as otherwise provided in this section, in
22 fiscal year 2000–01 and prior, if the governing board of a school
23 district offers less instructional time than the amount of
24 instructional time fixed for the 1982–83 fiscal year, the
25 Superintendent of Public Instruction shall, in that fiscal year,
26 reduce that district’s apportionment by the average percentage
27 increase in the base revenue limit for districts of similar type and
28 size multiplied by the district’s units of average daily attendance.

29 (b) Except as otherwise provided in this section, in fiscal year
30 2001–02 and any fiscal year thereafter, if a school district that does
31 not participate in the program set forth in this article offers less
32 instructional time than the amount of instructional time fixed for
33 the 1982–83 fiscal year, the Superintendent of Public Instruction
34 shall withhold for that fiscal year, from the district’s revenue limit
35 apportionment for the average daily attendance of each affected
36 grade level, the amount of that apportionment multiplied by the
37 percentage of instructional minutes fixed in the 1982–83 school
38 year, at that grade level, that the district failed to offer.

39 (c) The Glendora Unified School District shall reinstate the
40 sixth period, which shall be equivalent to at least 50 minutes of

1 instruction, effective the start of the second semester of the
2 1983–84 fiscal year.

3 ~~SEC. 24.~~

4 *SEC. 25.* Section 48916 of the Education Code is amended to
5 read:

6 48916. (a) An expulsion order shall remain in effect until the
7 governing board, in the manner prescribed in this article, orders
8 the readmission of a pupil. At the time an expulsion of a pupil is
9 ordered for an act other than those described in subdivision (c) of
10 Section 48915, the governing board shall set a date, not later than
11 the last day of the semester following the semester in which the
12 expulsion occurred, when the pupil shall be reviewed for
13 readmission to a school maintained by the district or to the school
14 the pupil last attended. If an expulsion is ordered during summer
15 session or the intersession period of a year-round program the
16 governing board shall set a date, not later than the last day of the
17 semester following the summer session or intersession period in
18 which the expulsion occurred, when the pupil shall be reviewed for
19 readmission to a school maintained by the district or to the school
20 the pupil last attended. For a pupil who has been expelled pursuant
21 to subdivision (c) of Section 48915, the governing board shall set
22 a date of one year from the date the expulsion occurred, when the
23 pupil shall be reviewed for readmission to a school maintained by
24 the district, except that the governing board may set an earlier date
25 for readmission on a case-by-case basis.

26 (b) The governing board shall recommend a plan of
27 rehabilitation for the pupil at the time of the expulsion order, which
28 may include, but not be limited to, periodic review as well as
29 assessment at the time of review for readmission. The plan may
30 also include recommendations for improved academic
31 performance, tutoring, special education assessments, job
32 training, counseling, employment, community service, or other
33 rehabilitative programs.

34 (c) The governing board of each school district shall adopt
35 rules and regulations establishing a procedure for the filing and
36 processing of requests for readmission and the process for the
37 required review of all expelled pupils for readmission. Upon
38 completion of the readmission process, the governing board shall
39 readmit the pupil, unless the governing board makes a finding that
40 the pupil has not met the conditions of the rehabilitation plan or

continues to pose a danger to campus safety or to other pupils or employees of the school district. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered.

(d) If the governing board denies the readmission of an expelled pupil pursuant to subdivision (c), the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.

(e) The governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying the pupil readmittance into the regular school district program. The written notice shall also include the determination of the educational program for the expelled pupil pursuant to subdivision (d). The expelled pupil shall enroll in that educational program unless the parent or guardian of the pupil elects to enroll the pupil in another school district.

~~SEC. 25.~~

SEC. 26. Section 48918 of the Education Code is amended to read:

48918. The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils. These procedures shall include, but are not necessarily limited to, all of the following:

(a) The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 schooldays after the date the principal or the superintendent of schools determines that the pupil has committed any of the acts enumerated in Section 48900, unless the pupil requests, in writing, that the hearing be postponed. The adopted rules and regulations shall specify that the pupil is entitled to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days. Any additional postponement may be granted at the discretion of the governing board.

Within 10 schooldays after the conclusion of the hearing, the governing board shall decide whether to expel the pupil, unless the pupil requests in writing that the decision be postponed. If the

1 hearing is held by a hearing officer or an administrative panel, or
2 if the district governing board does not meet on a weekly basis, the
3 governing board shall decide whether to expel the pupil within 40
4 schooldays after the date of the pupil's removal from his or her
5 school of attendance for the incident for which the
6 recommendation for expulsion is made by the principal or the
7 superintendent, unless the pupil requests in writing that the
8 decision be postponed.

9 If compliance by the governing board with the time
10 requirements for the conducting of an expulsion hearing under this
11 subdivision is impracticable during the regular school year, the
12 superintendent of schools or the superintendent's designee may,
13 for good cause, extend the time period for the holding of the
14 expulsion hearing for an additional five schooldays. If compliance
15 by the governing board with the time requirements for the
16 conducting of an expulsion hearing under this subdivision is
17 impractical due to a summer recess of governing board meetings
18 of more than two weeks, the days during the recess period shall not
19 be counted as schooldays in meeting the time requirements. The
20 days not counted as schooldays in meeting the time requirements
21 for an expulsion hearing because of a summer recess of governing
22 board meetings shall not exceed 20 schooldays, as defined in
23 subdivision (c) of Section 48925, and unless the pupil requests in
24 writing that the expulsion hearing be postponed, the hearing shall
25 be held not later than 20 calendar days prior to the first day of
26 school for the school year. Reasons for the extension of the time
27 for the hearing shall be included as a part of the record at the time
28 the expulsion hearing is conducted. Upon the commencement of
29 the hearing, all matters shall be pursued and conducted with
30 reasonable diligence and shall be concluded without any
31 unnecessary delay.

32 (b) Written notice of the hearing shall be forwarded to the pupil
33 at least 10 calendar days prior to the date of the hearing. The notice
34 shall include all of the following:

- 35 (1) The date and place of the hearing.
- 36 (2) A statement of the specific facts and charges upon which the
37 proposed expulsion is based.
- 38 (3) A copy of the disciplinary rules of the district that relate to
39 the alleged violation.

1 (4) A notice of the parent, guardian, or pupil's obligation
2 pursuant to subdivision (b) of Section 48915.1.

3 (5) Notice of the opportunity for the pupil or the pupil's parent
4 or guardian to appear in person or to be represented by legal
5 counsel or by a nonattorney adviser, to inspect and obtain copies
6 of all documents to be used at the hearing, to confront and question
7 all witnesses who testify at the hearing, to question all other
8 evidence presented, and to present oral and documentary evidence
9 on the pupil's behalf, including witnesses. In a hearing in which a
10 pupil is alleged to have committed or attempted to commit a sexual
11 assault as specified in subdivision (n) of Section 48900 or
12 committing a sexual battery as defined in subdivision (n) of
13 Section 48900, a complaining witness shall be given five days'
14 notice before being called to testify, and shall be entitled to have
15 up to two adult support persons, including, but not limited to, a
16 parent, guardian, or legal counsel, present during their testimony.
17 Before a complaining witness testifies, support persons shall be
18 admonished that the hearing is confidential. Nothing in this
19 subdivision shall preclude the person presiding over an expulsion
20 hearing from removing a support person whom the presiding
21 person finds is disrupting the hearing. If one or both of the support
22 persons is also a witness, the provisions of Section 868.5 of the
23 Penal Code shall be followed for the hearing. This section does not
24 require a pupil or the pupil's parent or guardian to be represented
25 by legal counsel or by a nonattorney adviser at the hearing.

26 (A) For purposes of this section, "legal counsel" means an
27 attorney or lawyer who is admitted to the practice of law in
28 California and is an active member of the State Bar of California.

29 (B) For purposes of this section, "nonattorney advisor" means
30 an individual who is not an attorney or lawyer, but who is familiar
31 with the facts of the case, and has been selected by the pupil or
32 pupil's parent or guardian to provide assistance at the hearing.

33 (c) Notwithstanding Section 54593 of the Government Code
34 and Section 35145, the governing board shall conduct a hearing to
35 consider the expulsion of a pupil in a session closed to the public,
36 unless the pupil requests, in writing, at least five days before the
37 date of the hearing, that the hearing be conducted at a public
38 meeting. Regardless of whether the expulsion hearing is
39 conducted in a closed or public session, the governing board may

1 meet in closed session for the purpose of deliberating and
2 determining whether the pupil should be expelled.

3 If the governing board or the hearing officer or administrative
4 panel appointed under subdivision (d) to conduct the hearing
5 admits any other person to a closed deliberation session, the parent
6 or guardian of the pupil, the pupil, and the counsel of the pupil also
7 shall be allowed to attend the closed deliberations.

8 If the hearing is to be conducted at a public meeting, and there
9 is a charge of committing or attempting to commit a sexual assault
10 as defined in subdivision (n) of Section 48900 or committing a
11 sexual battery as defined in subdivision (n) of Section 48900, a
12 complaining witness shall have the right to have his or her
13 testimony heard in a session closed to the public when testifying
14 at a public meeting would threaten serious psychological harm to
15 the complaining witness and there are no alternative procedures to
16 avoid the threatened harm, including, but not limited to,
17 videotaped deposition or contemporaneous examination in
18 another place communicated to the hearing room by means of
19 closed-circuit television.

20 (d) Instead of conducting an expulsion hearing itself, the
21 governing board may contract with the county hearing officer, or
22 with the Office of Administrative Hearings of the State of
23 California pursuant to Chapter 14 (commencing with Section
24 27720) of Part 3 of Division 2 of Title 3 of the Government Code
25 and Section 35207, for a hearing officer to conduct the hearing.
26 The governing board may also appoint an impartial administrative
27 panel of three or more certificated persons, none of whom is a
28 member of the board or employed on the staff of the school in
29 which the pupil is enrolled. The hearing shall be conducted in
30 accordance with all of the procedures established under this
31 section.

32 (e) Within three schooldays after the hearing, the hearing
33 officer or administrative panel shall determine whether to
34 recommend the expulsion of the pupil to the governing board. If
35 the hearing officer or administrative panel decides not to
36 recommend expulsion, the expulsion proceedings shall be
37 terminated and the pupil immediately shall be reinstated and
38 permitted to return to a classroom instructional program, any other
39 instructional program, a rehabilitation program, or any
40 combination of these programs. Placement in one or more of these

1 programs shall be made by the superintendent of schools or the
2 superintendent's designee after consultation with school district
3 personnel, including the pupil's teachers, and the pupil's parent or
4 guardian. The decision not to recommend expulsion shall be final.

5 (f) If the hearing officer or administrative panel recommends
6 expulsion, findings of fact in support of the recommendation shall
7 be prepared and submitted to the governing board. All findings of
8 fact and recommendations shall be based solely on the evidence
9 adduced at the hearing. If the governing board accepts the
10 recommendation calling for expulsion, acceptance shall be based
11 either upon a review of the findings of fact and recommendations
12 submitted by the hearing officer or panel or upon the results of any
13 supplementary hearing conducted pursuant to this section that the
14 governing board may order.

15 The decision of the governing board to expel a pupil shall be
16 based upon substantial evidence relevant to the charges adduced
17 at the expulsion hearing or hearings. Except as provided in this
18 section, no evidence to expel shall be based solely upon hearsay
19 evidence. The governing board or the hearing officer or
20 administrative panel may, upon a finding that good cause exists,
21 determine that the disclosure of either the identity of a witness or
22 the testimony of that witness at the hearing, or both, would subject
23 the witness to an unreasonable risk of psychological or physical
24 harm. Upon this determination, the testimony of the witness may
25 be presented at the hearing in the form of sworn declarations which
26 shall be examined only by the governing board or the hearing
27 officer or administrative panel. Copies of these sworn
28 declarations, edited to delete the name and identity of the witness,
29 shall be made available to the pupil.

30 (g) A record of the hearing shall be made. The record may be
31 maintained by any means, including electronic recording, so long
32 as a reasonably accurate and complete written transcription of the
33 proceedings can be made.

34 (h) Technical rules of evidence shall not apply to the hearing,
35 but relevant evidence may be admitted and given probative effect
36 only if it is the kind of evidence upon which reasonable persons are
37 accustomed to rely in the conduct of serious affairs. A decision of
38 the governing board to expel shall be supported by substantial
39 evidence showing that the pupil committed any of the acts
40 enumerated in Section 48900.



1 In hearings which include an allegation of committing or
2 attempting to commit a sexual assault as defined in subdivision (n)
3 of Section 48900 or committing a sexual battery as defined in
4 subdivision (n) of Section 48900, evidence of specific instances,
5 of a complaining witness' prior sexual conduct is to be presumed
6 inadmissible and shall not be heard absent a determination by the
7 person conducting the hearing that extraordinary circumstances
8 exist requiring the evidence be heard. Before the person
9 conducting the hearing makes the determination on whether
10 extraordinary circumstances exist requiring that specific instances
11 of a complaining witness' prior sexual conduct be heard, the
12 complaining witness shall be provided notice and an opportunity
13 to present opposition to the introduction of the evidence. In the
14 hearing on the admissibility of the evidence, the complaining
15 witness shall be entitled to be represented by a parent, guardian,
16 legal counsel, or other support person. Reputation or opinion
17 evidence regarding the sexual behavior of the complaining witness
18 is not admissible for any purpose.

19 (i) (1) Before the hearing has commenced, the governing
20 board may issue subpoenas at the request of either the
21 superintendent of schools or the superintendent's designee or the
22 pupil, for the personal appearance of percipient witnesses at the
23 hearing. After the hearing has commenced, the governing board or
24 the hearing officer or administrative panel may, upon request of
25 either the county superintendent of schools or the superintendent's
26 designee or the pupil, issue subpoenas. All subpoenas shall be
27 issued in accordance with Sections 1985, 1985.1, and 1985.2 of the
28 Code of Civil Procedure. Enforcement of subpoenas shall be done
29 in accordance with Section 11455.20 of the Government Code.

30 (2) Any objection raised by the superintendent of schools or the
31 superintendent's designee or the pupil to the issuance of subpoenas
32 may be considered by the governing board in closed session, or in
33 open session, if so requested by the pupil before the meeting. Any
34 decision by the governing board in response to an objection to the
35 issuance of subpoenas shall be final and binding.

36 (3) If the governing board, hearing officer, or administrative
37 panel determines, in accordance with subdivision (f), that a
38 percipient witness would be subject to an unreasonable risk of
39 harm by testifying at the hearing, a subpoena shall not be issued
40 to compel the personal attendance of that witness at the hearing.

1 However, that witness may be compelled to testify by means of a
2 sworn declaration as provided for in subdivision (f).

3 (4) Service of process shall be extended to all parts of the state
4 and shall be served in accordance with Section 1987 of the Code
5 of Civil Procedure. All witnesses appearing pursuant to subpoena,
6 other than the parties or officers or employees of the state or any
7 political subdivision thereof, shall receive fees, and all witnesses
8 appearing pursuant to subpoena, except the parties, shall receive
9 mileage in the same amount and under the same circumstances as
10 prescribed for witnesses in civil actions in a superior court. Fees
11 and mileage shall be paid by the party at whose request the witness
12 is subpoenaed.

13 (j) Whether an expulsion hearing is conducted by the
14 governing board or before a hearing officer or administrative
15 panel, final action to expel a pupil shall be taken only by the
16 governing board in a public session. Written notice of any decision
17 to expel or to suspend the enforcement of an expulsion order
18 during a period of probation shall be sent by the superintendent of
19 schools or his or her designee to the pupil or the pupil's parent or
20 guardian and shall be accompanied by all of the following:

21 (1) Notice of the right to appeal the expulsion to the county
22 board of education.

23 (2) Notice of the education alternative placement to be
24 provided to the pupil during the time of expulsion.

25 (3) Notice of the obligation of the parent, guardian, or pupil
26 under subdivision (b) of Section 48915.1, upon the pupil's
27 enrollment in a new school district, to inform that district of the
28 pupil's expulsion.

29 (k) The governing board shall maintain a record of each
30 expulsion, including the cause therefor. Records of expulsions
31 shall be a nonprivileged, disclosable public record.

32 The expulsion order and the causes therefor shall be recorded in
33 the pupil's mandatory interim record and shall be forwarded to any
34 school in which the pupil subsequently enrolls upon receipt of a
35 request from the admitting school for the pupil's school records.

36 ~~SEC. 26. Section 48980 of the Education Code is amended to~~
37 ~~read:~~

38 ~~48980. (a) At the beginning of the first semester or quarter of~~
39 ~~the regular school term, the governing board of each school district~~
40 ~~shall notify the parent or guardian of its minor pupils regarding the~~

1 ~~right or responsibility of the parent or guardian under Sections~~
2 ~~35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451,~~
3 ~~49472, 51240, and 51550 and Chapter 2.3 (commencing with~~
4 ~~Section 32255) of Part 19.~~

5 ~~(b) The notification also shall advise the parent or guardian of~~
6 ~~the availability of individualized instruction as prescribed by~~
7 ~~Section 48206.3, and of the program prescribed by Article 9~~
8 ~~(commencing with Section 49510) of Chapter 9.~~

9 ~~(c) The notification shall also advise the parents and guardians~~
10 ~~of all pupils attending a school within the district of the schedule~~
11 ~~of minimum days and pupil-free staff development days, and if~~
12 ~~any minimum or pupil-free staff development days are scheduled~~
13 ~~thereafter, the governing board shall notify parents and guardians~~
14 ~~of the affected pupils as early as possible, but not later than one~~
15 ~~month before the scheduled minimum or pupil-free day.~~

16 ~~(d) The notification also may advise the parent or guardian of~~
17 ~~the importance of investing for future college or university~~
18 ~~education for their children and of considering appropriate~~
19 ~~investment options, including, but not limited to, United States~~
20 ~~savings bonds.~~

21 ~~(e) Commencing with the 2000-01 school year, and each~~
22 ~~school year thereafter, the notification shall advise the parent or~~
23 ~~guardian of the pupil that, commencing with the 2003-04 school~~
24 ~~year, and each school year thereafter, each pupil completing 12th~~
25 ~~grade will be required to successfully pass the high school exit~~
26 ~~examination administered pursuant to Chapter 8 (commencing~~
27 ~~with Section 60850) of Part 33. The notification shall include, at~~
28 ~~a minimum, the date of the examination, the requirements for~~
29 ~~passing the examination, and shall inform the parents and~~
30 ~~guardians regarding the consequences of not passing the~~
31 ~~examination and shall inform parents and guardians that passing~~
32 ~~the examination is a condition of graduation.~~

33 ~~(f) Each school district that elects to provide a fingerprinting~~
34 ~~program pursuant to Article 10 (commencing with Section 32390)~~
35 ~~shall inform parents or guardians of the program as specified in~~
36 ~~Section 32390.~~

37 ~~(g) The notification shall also include a copy of the district's~~
38 ~~written policy on sexual harassment established pursuant to~~
39 ~~Section 212.6, as it relates to pupils.~~

~~(h) Commencing July 1, 1998, the notification shall include a copy of the written policy of the school district adopted pursuant to Section 51870.5 regarding access by pupils to Internet and online sites.~~

~~(i) The notification shall advise the parent or guardian of all current statutory attendance options and local attendance options available in the school district. That notification shall include all options for meeting residency requirements for school attendance; programmatic options offered within the local attendance areas; and any special programmatic options available on both an interdistrict and intradistrict basis. That notification shall also include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance; and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification shall also include an explanation of the current statutory attendance options, including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, subdivision (f) of Section 48204, and Article 1.5 (commencing with Section 48209) of Chapter 2 of Part 27. The State Department of Education shall produce this portion of the notification and shall distribute it to all school districts.~~

~~(j) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within their districts and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of California's pupils.~~

~~(k) The notification shall advise the parent or guardian that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.~~

~~(l) The notification shall advise the parent or guardian of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Section 52244.~~

SEC. 27. Section 51132 of the Education Code is repealed.

SEC. 28. Section 51224.5 of the Education Code is amended to read:

1 51224.5. (a) The adopted course of study for grades 7 to 12,
2 inclusive, shall include algebra as part of the mathematics area of
3 study pursuant to subdivision (f) of Section 51220.

4 (b) Commencing with the 2003–04 school year and each year
5 thereafter, at least one course, or a combination of the two courses
6 in mathematics required to be completed pursuant to subparagraph
7 (B) of paragraph (1) of subdivision (a) of Section 51225.3 by
8 pupils while in grades 9 to 12, inclusive, prior to receiving a
9 diploma of graduation from high school, shall meet or exceed the
10 rigor of the content standards for Algebra I, as adopted by the State
11 Board of Education pursuant to Section 60605.

12 (c) A pupil who completes coursework in grade 7 or 8 for
13 algebra is not exempt from the mathematics requirements for
14 grades 9 to 12, inclusive, as specified in subdivision (b) of this
15 section or in subparagraph (B) of paragraph (1) of subdivision (a)
16 of Section 51225.3.

17 SEC. 29. Section 51882 of the Education Code is repealed.

18 SEC. 30. Section 52055.640 of the Education Code is
19 amended to read:

20 52055.640. (a) As a condition of the receipt of funds for the
21 initial and each subsequent year of funding pursuant to this article
22 and to ensure that the school is progressing towards meeting the
23 goals of each of the essential components of its school action plan,
24 each year the school district shall submit a report to the
25 Superintendent of Public Instruction that includes the following:

26 (1) The academic improvement of pupils within the
27 participating school as measured by the tests under Section 60640
28 and the progress made towards achieving English language
29 proficiency as measured by the English language development test
30 administered pursuant to Section 60810.

31 (2) The improvement of distribution of experienced teachers
32 holding a valid California teaching credential across the district.

33 (3) The availability of instructional materials in core content
34 areas that are aligned with the academic content and performance
35 standards, including textbooks, for each pupil, including English
36 language learners.

37 (4) The number of parents and guardians presently involved at
38 each participating schoolsite as compared to the number
39 participating at the beginning of the program.

1 (5) The number of pupils attending afterschool, tutoring, or
2 homework assistance programs.

3 (6) For participating secondary schools, the number of pupils
4 who are enrolled in and successfully completing advanced
5 placement courses, by type, and requirements for admission to the
6 University of California or the California State University,
7 including courses in algebra, biology, and United States or world
8 history.

9 (b) The report on the pupil literacy and achievement
10 component shall be disaggregated by numerically significant
11 subgroups, as defined in Section 52052, and English language
12 learners and have a focus on improved scores in reading and
13 mathematics as measured by the following:

14 (1) The Academic Performance Index, including the data
15 collected pursuant to tests that are part of the Standardized Testing
16 and Reporting Program and the writing sample that is part of that
17 program.

18 (2) The results of the primary language test pursuant to Section
19 60640.

20 (3) Graduation rates, when the methodology for collecting this
21 data has been confirmed to be valid and reliable.

22 (4) In addition, a school may use locally developed
23 assessments to assist it in determining the pupil progress in
24 academic literacy and achievement.

25 (c) The report on the quality of staff component shall include,
26 but not be limited to, the following information:

27 (1) The number of teachers at the schoolsite holding a valid
28 California teaching credential or district or university intern
29 certificate or credential compared to those teachers at the same
30 schoolsite holding a preintern certificate, emergency permit, or
31 waiver.

32 (2) The number and ratio of teachers across the district holding
33 a valid California teaching credential or district or university
34 intern certificate or credential compared to those holding a
35 preintern certificate, emergency permit, or waiver.

36 (3) The number of principals having completed training
37 pursuant to Article 4.6 (commencing with Section 44510) of
38 Chapter 3 of Part 25.

39 (4) The number of principals by credential type or years of
40 experience and length of time at the schoolsite by years.

1 (d) The report on the parental involvement component shall
2 include explicit involvement strategies being implemented at the
3 schoolsite that are directly linked to activities supporting pupil
4 academic achievement and verification that the schoolsite has
5 developed a school-parent compact as required by Section 51101.

6 (e) All comparisons made in the reports required pursuant to
7 this section shall be based on baseline data provided by the district
8 and schoolsite in the action plan that is certified and submitted with
9 the initial application.

10 (f) To the extent that data is already reported to the
11 Superintendent of Public Instruction, a school district need not
12 include the data in the reports submitted pursuant to this section.

13 (g) Before submitting the reports required pursuant to this
14 section, the school district shall, at a regularly scheduled public
15 meeting of the governing board, review a participating school's
16 progress towards achieving those goals.

17 SEC. 31. Section 56343.5 of the Education Code is amended
18 to read:

19 56343.5. A meeting of an individualized education program
20 team requested by a parent to review an individualized education
21 program pursuant to subdivision (c) of Section 56343 shall be held
22 within 30 days, not counting days between the pupil's regular
23 school sessions, terms, or days of school vacation in excess of five
24 schooldays, from the date of receipt of the parent's written request.
25 If a parent makes an oral request, the school district shall notify the
26 parent of the need for a written request and the procedure for filing
27 a written request.

28 SEC. 32. Section 60040 of the Education Code is amended to
29 read:

30 60040. When adopting instructional materials for use in the
31 schools, governing boards shall include only instructional
32 materials which, in their determination, accurately portray the
33 cultural and racial diversity of our society, including:

34 (a) The contributions of both men and women in all types of
35 roles, including professional, vocational, and executive roles.

36 (b) The role and contributions of Native Americans, African
37 Americans, Mexican Americans, Asian Americans, European
38 Americans, and members of other ethnic and cultural groups to the
39 total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

SEC. 33. Section 62006 of the Education Code is repealed.

SEC. 34. Section 62007 of the Education Code is repealed.

SEC. 35. Section 62008 of the Education Code is repealed.

SEC. 36. Section 19050.8 of the Government Code is amended to read:

19050.8. The board may prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies for not to exceed two years or between jurisdictions for not to exceed four years for any of the following purposes:

(a) To provide training to employees.

(b) To enable an agency to obtain expertise needed to meet a compelling program or management need.

(c) To facilitate the return of injured employees to work.

These temporary assignments or loans shall be deemed to be in accord with this part limiting employees to duties consistent with their class and may be used to meet minimum requirements for promotional as well as open examinations. An employee participating in that arrangement shall have the absolute right to return to his or her former position. Any temporary assignment or loan of an employee made for the purpose specified in subdivision (b) shall be made only with the voluntary consent of the employee.

In addition, out-of-class experience obtained in a manner not described in this section may be used to meet minimum requirements for promotional as well as open examinations, only if it was obtained by the employee in good faith and was properly verified under standards prescribed by board rule.

For purposes of this section, a temporary assignment or loan between educational agencies or jurisdictions shall be extended for up to two additional years upon a finding by the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, and with the approval of the Executive Officer of the State Personnel Board, that the extension is necessary in order to substantially complete work on an educational improvement project. However, the temporary assignment of any local educator who is performing the duties of a nonrepresented classification while on loan to a state education agency may be extended for as many successive two year intervals as necessary by the

1 Superintendent of Public Instruction or the Chancellor of the
2 California Community Colleges with the concurrence of the
3 education agency or jurisdiction. Public and private colleges and
4 universities shall be considered educational agencies or
5 jurisdictions within the meaning of this section.

6 A temporary assignment within an agency or between agencies
7 may be extended by the board for up to two additional years in
8 order for an employee to complete an apprenticeship program.

9 SEC. 37. *Section 97.45 is added to the Revenue and Taxation*
10 *Code, to read:*

11 97.45. *Notwithstanding subdivision (d) of Section 97.2 and*
12 *subdivision (d) of Section 97.3, the amount deposited in the*
13 *Educational Revenue Augmentation Fund pursuant to Section*
14 *33681.9 of the Health and Safety Code, if that section is added by*
15 *Senate Bill 1045 of the 2003–04 Regular Session, shall be*
16 *allocated as follows:*

17 (a) *To county offices, the amount that would be allocated*
18 *pursuant to paragraph (1) of subdivision (d) of Section 97.2 and*
19 *paragraph (1) of subdivision (d) of Section 97.3 multiplied by*
20 *1.85185.*

21 (b) *To community colleges, the amount that would be allocated*
22 *pursuant to paragraph (1) of subdivision (d) of Section 97.2 and*
23 *paragraph (1) of subdivision (d) of Section 97.3 multiplied by*
24 *1.85185.*

25 (c) *To school districts the remainder after the allocations made*
26 *in subdivisions (a) and (b).*

27 SEC. 38. Section 45 of Chapter 1167 of the Statutes of 2002
28 is amended to read:

29 Sec. 45. The sum of three hundred thirteen million nine
30 hundred eight thousand dollars (\$313,908,000) is hereby
31 appropriated for purposes of the School Improvement Programs
32 by adding Item 6110-116-0001 to Section 2.00 of the Budget Act
33 of 2002, to read:

34

1	6110-116-0001—For local assistance, Department of Educa-	
2	tion (Proposition 98), for transfer to Section A of the	
3	State School Fund, Program 20.60.030-School Im-	
4	provement Programs, pursuant to Chapter 6 (commenc-	
5	ing with Section 52000) of Part 28 of the Education	
6	Code	313,908,000
7	Schedule:	
8	(1) 20.60.030.010-For the purpose	
9	of making allowances for kin-	
10	dergarten and grades 1 to 6, in-	
11	clusive	259,727,000
12	(2) 20.60.030.020-For the purpose of	
13	making allowances for grades 7 to	
14	12, inclusive	54,181,000
15	Provisions:	
16	1. From the funds appropriated in Schedule (2), the State	
17	Department of Education shall allocate \$34.67 per	
18	unit of average daily attendance (ADA) generated	
19	by pupils enrolled in grades 7 and 8 to those school	
20	districts that received School Improvement Grants	
21	in the 1989–90 fiscal year at a rate of \$30 per unit	
22	of ADA generated by pupils enrolled in grades 7	
23	and 8. The State Department of Education shall al-	
24	locate \$123.18 per unit of ADA generated by pupils	
25	enrolled in grades 7 and 8 to school districts that re-	
26	ceived School Improvement Grants in the 1989–90	
27	fiscal year at a rate of \$106.93 per unit of ADA gen-	
28	erated by pupils in grades 7 and 8.	

2. Of the funds appropriated in Schedule (1) of this item, \$6,963,000 is for the purpose of providing a cost-of-living adjustment at a rate of 2.00 percent.
3. Of the funds appropriated in Schedule (2) of this item, \$2,303,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 3.27 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil funding rates to conform to available funds. Additionally, \$1,453,000 is for the purpose of providing a cost-of-living adjustment at a rate of 2.00 percent.

SEC. 39. Section 7 of Chapter 1 of the Statutes of 2003 is amended to read:

Sec. 7. (a) The sum of two million dollars (\$2,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for apportionment to the West Fresno Elementary School District for the purpose of an emergency loan. In order to qualify for the loan, the district shall comply with Article 2 (commencing with Section 41320) and Article 2.5 (commencing with Section 41325) of Chapter 3 of Part 24 of the Education Code to the extent those provisions are consistent with the conditions stipulated in this act. The state-appointed administrator is not required to prepare or obtain the management review and recovery plan required pursuant to paragraph (1) of subdivision (a) of Section 41327 of the Education Code. The improvement plans completed pursuant to Section 5 are to replace that management review and recovery plan.

(b) Funds may be disbursed from the proceeds of the loan only if the state-appointed administrator and the County Office Fiscal Crisis and Management Assistance Team jointly determine that the disbursement is necessary.

(c) Based on the needs of the district to meet its obligations, the Superintendent of Public Instruction may direct the Controller to disburse, on a monthly basis, specific amounts of the emergency loan before the approval of all of the conditions established by this act.

(d) For the fiscal year in which the apportionments are disbursed and each fiscal year thereafter, the Controller, or his or her designee, shall cause an audit to be conducted of the books and

1 accounts of the district, instead of the audit required by Section
2 41020 of the Education Code. At the discretion of the Controller,
3 the audit may be conducted by the Controller, his or her designee,
4 or an auditor selected by the county superintendent and approved
5 by the Controller. The costs of these audits shall be borne by the
6 district. These audits are required until the Superintendent of
7 Public Instruction, in consultation with the ~~County Office of~~
8 ~~Education~~ *Controller*, determines that the district is financially
9 solvent, but may not cease being required earlier than one year
10 following the implementation of the plan nor later than the time the
11 apportionment, including interest, is repaid. In addition, the
12 Controller shall conduct quality control reviews pursuant to
13 subdivision (c) of Section 14504.2 of the Education Code.

14 *SEC. 40.* No reimbursement is required by this act pursuant
15 to Section 6 of Article XIII B of the California Constitution for
16 those costs that may be incurred by a local agency or school district
17 because provisions of this act implement a federal law or
18 regulation and results in costs mandated by the federal
19 government, within the meaning of Section 17556 of the
20 Government Code.

21 However, notwithstanding Section 17610 of the Government
22 Code, if the Commission on State Mandates determines that this
23 act contains other costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code. If the statewide cost of the
27 claim for reimbursement does not exceed one million dollars
28 (\$1,000,000), reimbursement shall be made from the State
29 Mandates Claims Fund.

30 ~~SEC. 39.~~

31 *SEC. 41.* This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety
33 within the meaning of Article IV of the Constitution and shall go
34 into immediate effect. The facts constituting the necessity are:

35 In order to ensure that the educational programs affected by this
36 act are properly implemented, pursuant to the clarifying, technical,
37 and other changes made by this act, it is necessary that this act take
38 effect immediately.



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2 CORRECTIONS
3 Text — Pages 9, 41, and 46.
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